

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

DONNY RAY WELCH,	)	
Institutional ID No. 1375713,	)	
SID No. 7441051,	)	
	)	
Plaintiff,	)	
	)	
V.	)	CIVIL ACTION NO.
	)	5:09-CV-133-C
	)	
TEXAS TECH UNIVERSITY HEALTH	)	
SERVICES CENTER, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Donny Ray Welch, proceeding *pro se* and *in forma pauperis*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 alleging that various employees and officials responsible for provision of medical care for inmates were deliberately indifferent to his serious medical needs and violated his Eighth Amendment rights while he was incarcerated at the John T. Montford Unit (“JMU”) and the Price Daniels Unit (“PDU”) of the Texas Department of Criminal Justice, Institutional Division (“TDCJ-ID”). Pursuant to this Court’s Order, Plaintiff filed an Amended Complaint on July 17, 2009.

The complaint was transferred to the docket of the United States Magistrate Judge, who held a hearing pursuant to *Spears v. McCotter*, 766 F.2d 179, 181-82 (5th Cir. 1985), on October 22, 2009. Plaintiff did not consent to proceed before the United States Magistrate Judge. Pursuant to this Court’s Order entered on August 17, 2009, the Magistrate Judge entered findings of fact, conclusions of law, and recommendation for disposition on February 25, 2010; and on March 10, 2010, Plaintiff filed objections which were signed and dated March 2, 2010.

This Court has made an independent review of the record in this case and finds that Plaintiff's objections should be overruled and the Magistrate Judge's findings, conclusions, and recommendation should be accepted and adopted.

It is therefore ORDERED:

(1) Plaintiff's claims against all Defendants, except Sgt. Jane Doe, Captain Ragan, and Correctional Officer Garcia, are **dismissed with prejudice**.


(2) Within thirty (30) days from the date the Law Enforcement Defense Division of the Texas Attorney General's Office receives this Order, Defendants Sgt. Jane Doe, Captain Ragan, and Correctional Officer Garcia shall file a written answer or response to Plaintiff's claims that they were deliberately indifferent to his serious medical needs and violated his Eighth Amendment rights while he was incarcerated at the PDU and JMU.

(3) The Clerk shall mail a copy of Plaintiff's Amended Civil Rights Complaint (Doc. 13) and the Report and Recommendation of the United States Magistrate Judge (Doc. 22), along with a copy of this Order, to Docketing, Law Enforcement Defense Division, Office of the Attorney General, P.O. Box 12548, Capitol Station, Austin, Texas 78711 by certified mail, return receipt requested.

(4) Any pending motions are denied.

Judgment shall be entered accordingly.

Dated July 16, 2010.

  
SAM R. CUMMINGS  
UNITED STATES DISTRICT COURT